

City Council Chamber, City Hall, Tuesday, September 28, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 28, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Carol Alvarado, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Daniel Doherty, Senior Assistant City Attorney, Tax and Revenue Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director, present. Council Member Adrian Garcia absent due to death in family. Council Member Mark Ellis out of the city on government business.

At 1:53 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and it was her pleasure to recognize a few individuals who were taking part in recognizing this month as Leukemia and Lymphoma Awareness Month and invited Mr. Jon Strange, Cherry Evans, Mary Mentor and Shyly Carter to the podium. Mayor Pro Tem Alvarado stated that Mr. Strange had announcements; and Mr. Strange stated that he was co-chair of Light the Night and the Gulf Coast Chapter concentrated on patient services and research and raised money for those; that their chapter had 30 fund raisers with one being Light the Night and presented caps for that main event; that the walk was at night and the white balloons had blinking lights and were for survivors and red balloons were for supporters; that it would be held at the Sam Houston Race Track and was very emotional; that Shyly was a 12 month survivor and staff member and she was what it was all about; and Shyly thanked all involved with the event and stated that she was a 12 year survivor of Leukemia and was now an employee; that their research developed chemotherapy and reached across all types of cancer and she hoped to see all out there. Mayor White, Council Members Goldberg, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that there was no one who did not have someone who had been through cancer and he had a best friend going through it now; that the least they could do would be help them in their efforts; and thanked them for all that they did. Mayor White, Council Members Goldberg, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she had a family member who was a survivor; and thanked them for all that they did. Mayor White, Council Members Goldberg, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that today with her was a group called Corporate Community Relations Council and they were representing public relations throughout the corporate community of Houston; that the CCRC had been in existence since 1983 and represented Houston's gateway to community involvement and were dedicated to improving the quality of life and introduced Ms. Darcy Todia, vice president of the organization. Ms. Todia stated that Ms. Debbie Cano, a board member, was present with her and they were an organization of about 57 professionals who were in the public relations field and corporate employees who tried to lead corporations in developing their community involvement strategy; that their annual meeting would be in November and they were looking forward to Mayor White speaking at that event; and thanked all for their assistance. Mayor White, Council Members Goldberg, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Ms. Ernestine Tina-Sandoval and Mr. Richard Jennings had a presentation for Mayor White; and Ms. Sandoval, Director of communications, stated that they were extending thanks to Mayor White; that the March of Dimes fought for the premature birth effort; and introduced Mr. Richard Jennings, Executive Director, who stated that they appreciated the City's support in their efforts and on November 16th there would be a Premature Awareness Summit and introduced Ms. Regina Kellins, their Ambassador Mom, who stated that she wanted to thank everyone for the support given to the March of Dimes yearly; that last year her son was born 15 weeks early, weighing 1 pound and 5 ounces, but because of

all efforts today her son was 18 months, 23 pounds and perfectly normal; that people may think they did not need the March of Dimes, but then one day their child or grandchild becomes a recipient of that support; and she thanked everyone on behalf of all those babies and families. Ms. Sandoval thanked Mayor White for coming to their event and presented him with a framed print. Council Members Wiseman, Holm and Berry absent.

At 2:14 p.m. Mayor White called the meeting to order and called on Council Member Quan to lead in prayer. Council Member Quan stated that as they gathered this afternoon he would ask each to keep in mind Council Member Garcia's family as Mr. Ignacio Garcia passed this morning and thoughts and prayers were with his family. Council Member Quan called on Rev. Dominguez with the Christian Family Center who led all in prayer and Council Member Quan led all in the pledge. Mayor White, Council Members Holm and Berry absent.

At 2:17 p.m. the City Secretary called the roll. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Council Member Holm absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Council Member Holm absent. MOTION ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. Bert Keller as the first speaker and hearing Mr. De Shan Shi as the first speaker on the Non Agenda portion of the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Council Member Holm absent. MOTION 2004-1016 ADOPTED.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Andrew Riojas and Mr. Bissong Bissong to the top of the three minute speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Council Member Holm absent. MOTION 2004-1017 ADOPTED.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Jeff Riley to the top of the three minute speakers, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Council Member Holm absent. MOTION 2004-1017 ADOPTED.

At 2:18 p.m. the City Secretary began calling the speakers. Council Member Holm absent.

Mr. Bert Keller, 5417 Blossom, Houston, Texas 77007 (713-984-0455) appeared and stated that putting code enforcement into Public Works would streamline communication in the development industry and the construction industry would thank them greatly; that he was a huge fan of Gary Bridges, Sheila Blake, Oral Greer, Collie Vernon and Lisa Fleming, they were in a competitive industry and loyal to the City of Houston even opening their doors after hours. Council Member Holm absent.

Council Members thanked Mr. Keller for all the work he did as a Council Member and stated that they appreciated his thanks. Council Member Holm absent.

Council Member Khan thanked Mr. Keller for the low cost housing he and his partner were placing in District F. Council Member Holm absent.

Mayor White stated that from the taskforce an issue was identified, the process needed to

be known and transparent and he thanked him for his input. Council Member Holm absent.

Ms. Toy Wood, 9511 West Sam Houston Pkwy. N., Houston, Texas 77064 (281-970-8970 ext 150) appeared, presented information and stated that she was the executive officer for the Greater Houston Builders Association and was present to speak on behalf of and in support of Agenda Item 17, which was an ordinance allowing the City of Houston to use private inspectors and plan reviewers for single family construction.

Council Member Edwards stated that the issue needed to be addressed, but her question was how would they verify the private inspectors report because ultimately liability was still with the City of Houston; and Ms. Wood stated that she just saw the revised ordinance and all process and procedures backed it up in the past including verifying their credentials, requiring liability insurance, audit and oversight options and inspections would have to be verified through a certification process.

Council Member Quan stated that he supported this for a long time but his concern was everyone saw it only this morning and had not had time to review; and upon questions, Ms. Wood stated that it was essentially substantially the same ordinance drafted four years ago; that the newer Council Members may want time to review it and they were available to answer any questions. Council Member Quan stated that the concept was something they needed to be moving toward and if he tagged it it was to give others a chance to review it.

Council Member Khan stated that he was fully supportive of the ordinance and he hoped private inspectors would take the responsibility very seriously; and Ms. Wood stated those people did this for a living and she thought he would be very pleased with the quality of people on his list. Council Member Lawrence absent.

Mr. Bill Winning, 9943 Sagebud, Houston, Texas 77089 (281-922-0700) appeared in favor of Item 17 and stated that he was with Winning Way Services and had been in the business six years and certified in every area of a residential house inspection; that his business thrived on being correct; and thanked all for their time. Council Member Alvarado absent.

Mr. Lewis Brown, P. O. Box 3259, Spring, Texas 77383 (281-364-0736) appeared in favor of Item 17 and stated that he was a private inspector in business 27 years and everyone who worked in his office had to be certified in the construction industry; and their main goal was to provide a good product for the homebuyer.

Ms. Pamela Crawford, 21119 Iron Court, Houston, Texas 77089 (281-668-3873) appeared in favor of Item 17 and stated that she was director of Local Government Affairs for KB Homes one of the members of the Greater Houston Builders Association and a builder inside the city limits; that she felt comments by Council were legitimate and thought the language in the ordinance did address those concerns especially as it related to the qualifications, the bond required and conflict of interest language; and she was very happy with the ordinance.

Upon questions by Council Member Goldberg, Ms. Crawford stated that they had not built many homes inside the city but they planned to triple that number and this ordinance would help especially since there was a shortage of inspectors.

Upon questions by Council Member Lawrence, Ms. Crawford stated that she felt the ordinance was pretty strong and in Section 115.3 it said the Building Official could establish a third party program, not that it was required, and language specifying avoiding conflict of interest and qualifications of inspectors was very comfortable and she did not know how it could be made stronger that it was.

Council Member Edwards stated that she had not seen the ordinance and her concern was conflict of interest and how would they make sure what was given to them was correct; and

Ms. Crawford stated that Section 115.4 related to oversight inspections and as for avoiding conflict of interest maybe there could be a list provided to the city about former clients, etc. Council Members Holm and Quan absent.

Council Member Galloway stated that she was looking at conflict of interest policy and nepotism was not included; and upon questions, Ms. Crawford stated that K B Homes would be supportive of including that language and though she could not speak for the Greater Houston Builders Association it seemed they would be okay with the language also. Council Members Edwards, Holm and Berry absent.

Mr. Tom Walker, 10255 Richmond #400, Houston, Texas 77042 (713-622-3737) appeared in favor of Item 17 and stated that he was president and owner of Gateway Homes and just in Houston where he had been building for 33 years; that they were in favor of third party inspectors and it would keep the City from hiring when necessary and then laying off when it was slow. Council Members Holm and Berry absent.

Council Member Quan stated that he thanked him for all he did, he had been an active player in building affordable homes; and upon questions, Mr. Walker stated that he only built in the Houston area so he had no previous experience with third party inspectors. Council Members Holm and Berry absent.

Ms. Betty Kristoffersen, 2600 S. Gessner, Houston, Texas 77063 (713-781-4822) appeared against Item 17 and stated that she was executive director of the Air Conditioning Contractors Association and was against the proposal; that they worked closely with City inspectors and promoted the fact that the City offered a safety inspection to every single homeowner who had air conditioners installed and felt this would diminish the significance of what was being done, the quality would be lessened and the burden on the City inspectors would be increased by having to oversee and correct mistakes of a third party entity. Council Members Holm and Berry absent.

Upon questions by Council Member Quan, Ms. Kristoffersen stated that her association had 200 members; that they felt it would be like the fox guarding the hen house; that they had over 1,200 licensed contractors but not all did reputable work and created a health hazard for the homeowner when not installed correctly; that they discussed this with the Chief Inspector Richard Barana and those in the City Air Conditioning Mechanical Division were adamantly opposed to it. Council Members Holm and Berry absent.

Upon questions by Council Member Edwards, Ms. Kristoffersen stated that the City would be held responsible for any private inspectors not doing work correctly and Ft. Worth had privatization of the procedure and it was a nightmare. Council Members Khan and Holm absent.

Upon questions by Council Member Lawrence, Ms. Kristoffersen stated that all trades were against the proposition, the plumbers and electricians were against it and they were requesting it be sent to the CIC for review which she could have been done in the first place. Council Members Khan and Holm absent.

Upon questions by Council Member Galloway, Mayor White stated it was sent to the Regulatory Committee and there was a hearing about three months ago and certain modifications were made; and called on Council Member Goldberg chairman of the committee. Council Member Goldberg stated that there was a presentation on it and they generally went over what should be in it, but it had gone to committee and they had been talking about it six months or more. Council Members Khan and Holm absent.

Council Member Galloway stated that since modifications had people been able to express their viewpoints; and Mayor White stated that he would have to check on it, but in

general modifications made had to do with procedure for quality control and were legitimate and important issues of public concern brought to their attention at the hearing; and Council Member Galloway stated that covering nepotism was a key issue here. Council Member Sekula-Gibbs absent.

Council Member Alvarado stated that she was glad the clarification was made by Council Member Goldberg that it did indeed go before his committee; that shortly after Mayor Brown was in office the discussion started and within the time period it had been brought up time and time again; that Ms. Kristoffersen was the first she heard against this; that originally there were some from the labor unions who had concerns but the issues had been resolved; and Ms. Kristoffersen stated that the plumbers were present to oppose it; that the Construction Industry Council was the Code Enforcement Review and they were not given this to review; and Council Member Alvarado stated that the CIC voted on many things they were not aware of and at least Council meetings were in a public setting with a posted notice and she wanted that clarified. Council Members Sekula-Gibbs and Green absent.

Council Member Edwards stated that she would like to be pointed to the place dealing with process and audit and information on the issue of dispute; and Mayor White called on Mr. Doherty to discuss sampling and appeals process and Mr. Doherty stated that the ordinance was drafted by the Legal Departments general council of attorneys and he just saw it the first time himself. Mayor White stated that he would read it at this time and then let her know. Council Members Holm and Green absent.

Upon questions by Council Member Khan, Ms. Kristoffersen stated that their organization was against the privatization proposal; and Council Member Khan stated that the quality of work was from the one doing the work and not the inspector and there were fine contractors and developers in this city; that he thought bringing privatization it would help in cost and it did require for them to have insurance and be liable. Council Members Holm, Green and Berry absent.

Mayor White stated that he read the ordinance and it may be worth a more detailed review outside of Council, but regarding her question he had the following observation and first sections 115 and 118 did establish criteria and objectives for rules and regulations to be established governing the program and one was an issue Council Member Galloway raised that would act independently of building owners, contractors and others from having conflicts of interests and it set forth the requirement to make certain administrative provisions for acceptance of suspension and revocations of privileges to private inspections; and Council Member Goldberg stated that Section 115.3 also stated each inspector had to carry a minimum of \$1,000,000.00 per occurrence insurance and under six there was a provision calling for right of appeal; and he could not see why they would cast more doubt on a trained inspector than on a City inspector. Council Members Holm, Green and Berry absent.

Mr. Christopher Bean, 1022 Prince, Houston, Texas 77008 (713-869-1976) appeared and stated that on behalf of the Texas Gulf Coast and their 153 contractor members they were pleased to participate in the Mayor's Taskforce on building permits conducted by Mr. Jon Walsh and they agreed with many of his findings, however, he would clarify their involvement in the taskforce was not an endorsement of Item 17; that they were not opposed, not against the ordinance but they had concerns on liabilities of subcontractors and rights of consumers; that he thought they might establish a commission or board with industry representatives to review the third party inspectors with homes inspected, client list, possible posting of performance bond for litigation which may arise and disclosure of financial and tax records to clarify possible conflicts with homebuilders. Council Members Holm, Green and Berry absent.

Mr. Dave Wilson, 505 Melbourne, Houston, Texas 77022 (713-699-4488) appeared against Item 17 and stated that he was a City of Houston master electrician and president of the Texas Electrical Safety Association with 152 members including union and nonunion and they

were adamantly opposed to third party inspections; that this was great for the homebuilders but bad for homebuyers and for citizens of Houston and was like the fox watching the hen house, they should not be allowed to sub-police themselves; that Ft. Worth had done it and lost millions in permit fees and had to go back and redo schools because of it. Council Members Holm, Green and Berry absent.

Upon questions by Council Member Alvarado, Mr. Wilson stated that two to three weeks ago the City voted to amend the ordinance having to do with the City collecting fees for apprentice and journeymen and phased out the master program by 2006. Council Members Holm, Green and Berry absent.

Mayor White stated that he appreciated what he said but on behalf of this Mayor and Administration they found it cheaper and quicker to do more project management in-house and were taking more in-house so privatization was just a tool, not really privatization; that they did not want to compromise quality and tried to take very specific suggestions to get the same results without compromising quality and they had looked at the Ft. Worth experience; and the more specific people were helped; and Mr. Wilson stated that he considered the City of Houston Electrical Inspection Department very first class, professional and well run. Council Members Holm, Green and Berry absent.

Mr. Stanley Briers, 6109 St. Augustine, Houston, Texas 77021 (713-783-2912) appeared against Item 17 and stated that he was chairman of the Plumbing Air Conditioning and Mechanical Contractors Association and had been a member of the Construction Industry Council since 1966 and they only did work when requested by the City Administration and a lot of their meetings were held at City Hall and the doors were always open; that this had been around seven or eight years and he always said the problem was not the Inspection Department but that the City did not see they got the funding they needed; that this was a good system with good people and he was asking that they work on what was wrong and make a better department as third party inspections would not eliminate it. Council Members Holm, Green and Berry absent.

Council Member Edwards stated that she wanted to know if the flood plain was eliminated from this process; and Mr. Briers stated that he did not know; that the City inspectors made 20 to 30 inspections daily and he felt they could do this at a lower cost than with privatization and he would ask that another look be taken at this. Council Members Holm, Green and Berry absent.

Upon questions by Council Member Edwards, Council Member Goldberg stated that there was no distinction between flood plain or not, but this ordinance allowed them to set up regulations. Council Members Holm, Green and Berry absent.

Mayor White stated that Council Member Edwards concern was a quicker turnaround without compromising regulatory standards on the plat approval process which included flood plain design and he understood this had to do with actual building inspections and only in the category of home building. Council Members Wiseman, Holm, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Briers stated that the CIC was formed by the City of Houston and was a membership group of organizations in the construction industry and very broad based; that they were created to help the City make recommendations on the Building Code and they always waited for Council to ask; that some of the CIC members knew this was going on but it was not involved as a body. Council Members Wiseman, Holm and Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Briers stated that his understanding was the Planning Department generated \$23,000,000.00 and spent \$20,000,000.00. Council Members Wiseman, Holm and Green absent.

Upon further questions by Council Member Sekula-Gibbs, Mayor White stated that there was an Enterprise Fund which paid for a portion of the cost of the Building Permit regulatory approval and inspection processes and some was allocated in the Planning Department and some in the Public Works Department and one suggestion from a broad group of stakeholders was that there be reexamination of the overall funds and to his knowledge there was never a problem with diversion of the fund; that they were trying to hire more inspectors and the amount of money in the Enterprise Fund did not cover the entire cost of the functions and he thought it would be good to make sure the resources were transparent and well spent. Council Members Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Wright, 5743 Stillbrooke, Houston, Texas 77096 (281-240-5858) appeared and stated that he was an air conditioning contractor and was the only charter member which remained on the Construction Industry Council and reviewed the history of how they came about and what they had done and further stated that he could not understand why with this being probably the most important issue to ever come before the Construction Industry Council it was not run by the CIC. Council Members Goldberg, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Dunn, 6650 W. Sam Houston Parkway N., Houston, Texas 77041 (713-780-8866) appeared in favor of Item 1 and stated that he was with Vantage Companies, a commercial real estate developer in Houston and was present to support Council Member Lawrence on the ordinance with Aqua Texas for fair and equitable rates; that he was a property owner and manager and he hoped Council would help them maintain and control their expenses as well as the City tried to control theirs; and on the commercial side of construction he was in full support of the privatization of inspections and his interest was in plan review; that you could maintain city inspectors in the field they had no problem, but there problem was in the communication in Planning and Development and if they could take that to a certified IBCO certified inspector and then come to the City with a certificate for his permit and that was food for thought. Council Members Goldberg, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Mr. Dunn stated that when they built they worked with Aqua Source, he understood they were purchased by Aqua Texas, and they were not notified of any rate increases until the day the City notified them; and increased rates did have a negative impact. Mayor White, Council Members Goldberg, Edwards, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she applauded Mayor White and the City Attorney for working on this and denying the rate increase; that in her district they put in an increase without citizens being aware and they caught it in time to do something about it and she was excited to see them put up a fight and would assist their Council Member in any way. Mayor White, Council Members Goldberg, Wiseman, Holm, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Dunn stated that their water quality was acceptable and their sewer was fine as well; that next year they were starting another development and his concern was the increase in rates. Mayor White, Council Members Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that they still had a big uphill battle on this and their hearing was tomorrow; that she had five state representatives and one senator who would be fighting for them; that this was a new system and they asked for reasons for the expansion and were sent nothing. Mayor White, Council Members Goldberg, Wiseman, Holm, Sekula-Gibbs

and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Joyce Scarcy, 11019 Cora, Houston, Texas 77088 (281-216-0517) appeared and stated that she wanted to speak on the Super Shuttle; that Mr. Vacar made a remark that taxi drivers waited three to four hours for a trip and she wanted to correct that as they waited six to eight hours; that also in looking at the proposal put out they liked ten passenger vans and called for three stops so they were targeting groups for three or more people and three or more could ride in a cab much less expensively. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Master De Shan Shi, 11698 Bellaire, Houston, Texas 77072 (281-568-8881) appeared, presented information and Dr. Don Schaumers appeared with him and stated that Master Shi De Shan was with the Shaolin Temple and a 31st generation Shaolin Monk and Mayor White had set October 23rd as Master De Shan Day for their festival. Mr. Shan stated that they taught marshal arts and experience of heart to all students; that today they were present inviting the Mayor and Council Members to the Fall Festival on October 23rd where the Chinese Consulate would be the keynote speaker. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that the Master was well renowned and toured in Europe and Asia and was truly a practitioner of the marshal arts and discipline in the Shaolin Butist tradition; that his school in Bellaire was outstanding and many fine students had attended; and congratulated him on the festival and wished him the very best. Council Members Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that it was in District F and asked that all please attend. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Andrew Riojas, 5904 Maple, Houston, Texas 77074 (713-771-0680) appeared and stated that he was present to make a request; that he was a concerned property owner of the 9400/9500 blocks of Westpark Drive and had requested a traffic signal at the intersection as he had seen many accidents; that he just now received information this could not be done and he wished when someone made a request to Council Members they would get a response and let them know what was going on; that if he would have received an earlier response he would not be here now. Council Members Galloway, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that so they were clear he would say to Mr. Norman at this time what he would like to do would be when they get request from the public such as this that they examine the installation of traffic lights with the count study and he wanted to make sure in the system where there was a work order to do the count there was something which indicated if there were one or more people who made the request so they could be informed of the result of the study; that here there was a petition with a large number of citizens and it was good customer service, since they paid for the service, they be informed of the study and since that took no more than an entry into a file they needed the procedure; that secondly when they looked at the intersection there was an obstruction and they asked the property owner to remove the fence so they were looking at what could be done to help traffic flow and reduce accidents. Council Members Galloway, Goldberg, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Bissong Bissong, 8002 Bellaire Blvd., Houston, Texas 77036 (713-988-6567) appeared and stated that he was present representing the Taxi Drivers Association and Owners and they were opposed to a proposal against a super shuttle; that the Mayor and Council were being misguided by the organization; that they came to Council and made an argument that for a ride from the airport to downtown a person would be charged \$15.00 and a cab driver charged

\$50.00; that if they drove five people it would be \$75.00 and a taxi driver charged \$37.00; that cab drivers provided good and cheaper service. Council Members Galloway, Goldberg, Wiseman, Holm and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Bissong stated that he drove a taxi and at the airport an average wait time was about five and a half to six hours; that they were opened to shared rider ship and it would be very effective; that right now the system was a failure. Council Members Galloway, Goldberg, Wiseman and Holm absent.

Upon questions by Council Member Berry, Mr. Bissong stated that before 9/11 it was faster and then a vision came to convince Council the proposal was the best for the city; that if he was sitting on Council he would say there should be an alternative rider ship based on schedules, prearranged appointments; that there was a problem at the airport with customers being solicited. Council Members Galloway, Goldberg, Wiseman and Holm absent.

Mayor White stated that he heard Mr. Bissong say there were abuses on the prearranged transportation and that was worth looking into; that secondly he and Council Member Berry were asking for help, they identified their goal and objective to have an alternative between the METRO bus and the single ride in the taxi where there could be more than one passenger so they could be competitive with services offered other airports, but they wanted to do so in a way that it did not hurt the viability of the system which was the taxi drivers; that there seemed to be an element of waste in the management of peoples time when they had to wait around five to six hours and if they could help maybe they would come up with something no other city had done and he was asking for creative thought on their part. Council Members Galloway, Goldberg, Wiseman, Holm and Green absent.

Council Member Quan stated that he knew the issue was postponed because of 9/11; and upon questions, Mr. Bissong stated that he spoke with a friend in Chicago who was a cab driver and also called their airport system; that he was told the system was a failure because it created congestion and pollution. Council Member Quan stated that he used the super shuttle in Chicago and it seemed to work well; and upon further questions, Mr. Bissong stated that right now the fare from the airport to downtown had a rate of \$37.50 regardless of the number of people with a maximum of seven passengers and if they provided that they saw no need for a super shuttle. Council Members Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jeff Riley, 11618 Pecan Creek, Houston, Texas 77043 (281-556-1593) appeared, presented information and stated that he was present as they were trying to get speed humps in the neighborhood; that over the last nine months they had drunk drivers crash into their home on four separate occasions; that the City had widened Kirkwood from two lanes into five lanes to accommodate traffic for a 15 story building in October 2003 and in December 2003 they had their first of four incidents. Mr. Riley continued to go over the pictures and information he presented until his time expired; and urged Council to help with a deterrent. Council Members Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that there were exceptions to every rule and they tried to work through the system on this, but they wanted to install rumble strips; that there was a question as to whether the Houston Fire Department thought it necessary not to put speed humps, but Mr. Riley and his family were tired of vehicles coming through their home and the time and expense; that she felt he was an exception to the rule as people leaving clubs were not stopping at the stop sign and they were just going through. Council Members Galloway, Goldberg, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Lawrence knew her district so well; and upon questions, Mr. Riley stated that if a dispatch came from HFD they would come from Station 69; that their home was on the northside of I-10 and the Fire Department would come from the

southside down Kirkwood. Council Member Lawrence stated that the road never should have been made as wide as it was because it made people think it was a quick way home. Council Member Wiseman stated that they needed to craft a rule to help him and yet offer predictability to the Houston Fire Department that they would honor their request. Council Members Galloway, Goldberg, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not think speed humps would deter drunk drivers; and Mayor White stated that was a point; and upon questions, Mr. Riley stated that he was planning on placing a barrier; an elevated wall was going to be placed there. Council Member Edwards stated that this had happened four times and now he came to the City and she wondered if they would now be liable if they did not offer assistance and someone was hurt. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that if an exception was made based upon the proximity to the end of the major thoroughfare; that he would ask HFD to take a look at this, because of the proximity of the T in the road he did not think they would be going that fast at that point and he would ask them to look into this and see if they and Public Works could help this citizen. Council Members Galloway, Wiseman, Holm, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Felix Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared and stated that he was present as he was a bail bondsman and in the Municipal Courts almost daily; that there was chaos there with people getting court settings and then when they appear there were so many that the courts were split up and having to find where to go and there were three settings to go to when you get a ticket, a arraigned setting to enter a plea, then a pretrial and then trial; and the situation repeated itself over and over and it was breaking the poor; that that Judge Mejia stated this was her brain child and she patterned it after Los Angeles and thought it would work, but if not she would change it back in six months, but it was hurting people now and should be flipped back now; that the judges and prosecutors were upset and concerned about it and clerks were working over and over adding the same things; and urged that it be set back to normal. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Council Member Green stated that a pretrial was not mandatory; that the litigant could file a document with the court and let them know his lawyer could handle his pretrial. Mr. Kubosh stated that Council Member Green was saying everyone should hire a lawyer; and Council Member Green stated that all the calls he received were from Mr. Kubosh's brother and he knew he was the one passing out the flyers; that they realized people waited a longtime and Judge Mejia was trying this and there were issues but he felt it should be tried; that it was not going to be changed just because one lawyer was tired of his clients going; that he sympathized with those who were going down more than once but all they had to do was ask for an automatic trial setting and they did not have to go for more than one setting; that they planned to get to a point where they would not even have an arraigned setting and if they all worked together they could change the system. Council Members Lawrence, Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her office received a letter from the Harris County Municipal Justice Bar Association and they asked for a meeting with her office regarding that

very issue and she thought it had to be addressed in some kind of way; and Mayor White stated that he would ask Council Member Green to chair a committee and that he and Mayor Pro Tem Alvarado come up with appropriate people to have a hearing on the issues so all this could be done at one time; that he was not saying she should not meet with them, but wanted to have an open forum where the issues could be discussed with the Chief Judge, etc.; that there should be a time where you could accomplish before the trial date, number one where the citizen or citizen's council could have opportunity to meet with prosecutors so the case could be resolved and the other would be to have a trial setting; that he did not remember but Judge Mejia had a reason and he thought it was a transition period concerning arraignments, but people should be able to get arraigned and it was a fair objective to shortcut that step if they could; and Council Member Green stated that the Judge thought she needed the pretrial conference to be in place allowing her to complete her system which would be on October 5th before they cut the arraignment setting, but that was the plan; and they appreciated Mr. Kubosh bringing this to their attention, but the Court system was not operating smoothly six months ago and they were trying to make it work. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Daniel Hernandez, 7342 Lamar, Houston, Texas 77011 (713-923-4790) appeared and stated that he was also present regarding complaints of the Municipal Courts system on behalf of his wife; that his wife had traffic citations and appeared in Court and requested a trial by jury and that was set and she appeared, then after spending all day in court the prosecutors tried to force her into a deal but she insisted on trial by jury so at the end of the day again the same thing happened and she again insisted on trial by jury then she was rescheduled for September and the same thing happened again; that a few minutes before he came to Council he received a call from Judge Mejia who apologized and acknowledged there were big problems in the system but said she was working on it. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Hernandez for coming and stated that the inconvenience he had was something and if he and others would evaluate what happened over the next 12 months they would see it was being worked on; that somewhere it got lost that those people there with citations where the same ones who financed the city. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he apologized for the wait for his wife, but they were cognizant of it and they were working on it and she was a prime example of what they did not want to happen and they would use his information in committee; and there would be a changed system in the next 12 months. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she did not know why prosecutors would not honor his wife's request after three or four times; and Mr. Hernandez stated that it was more than that; and upon questions by Council Member Alvarado, Council Member Goldberg stated that each prosecutor had their own tactics and maybe they were trying to get rid of a large docket, but the bigger question was who decided which cases went to trial the Judge or prosecutor and the bigger thing was why was this case rescheduled time after time. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. David Tharp, 1804 Forestdale Drive, Houston, Texas 76051 (817-528-6220) appeared, presented information and stated that he worked for Gastite, one of six manufacturers of corrugated gas piping and he wanted to distinguish gas piping from connectors; that beginning October 11th the City of Houston was putting into effect an ordinance designed by the Fire Department who was trying to prevent problems with connectors, but what they asked in the ordinance was for an excess flow gas shutoff device to

be placed on each appliance; that the Building Department made a mistake as they had the misconception that gas piping because it was flexible it should be in the same category as an appliance connector and for that reason there was added language to the ordinance from them which now said more gas shut off devices had to be installed throughout the gas piping system and it hampered the performance of the system and could cause problems; that to date there was no data or technical justification which showed gas piping would ever become disconnected or broken when installed in a home or commercial building and in addition the two products had to be designed and tested to two totally different national standards. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Tharp stated that he went to a meeting with the Fire Chief and at the time the Chief agreed with him; that it was the Building Inspection Department who came up with this idea. Council Member Khan stated that he would expect all stakeholders to have input and it was reasonable to have someone look at this ordinance and see if it was serving a purpose or putting a blanket on all kinds of problems; and Mr. Tharp stated that it did need to be looked at again and modified. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Tharp stated that he worked for Gas Tight and they manufactured corrugated gas piping. Council Member Goldberg stated that it only cost \$2.00 and whether it was effective or not he would want it in his house as reassurance; and upon questions, Mr. Tharp stated that the piping had never broken in any situation that he was aware of, not even earthquakes; and Council Member Goldberg stated that he was not aware it had never broken, but he thought it was a conflict that could be easily resolved. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that a HPD officer continued hitting him on his arm with his ID after he called police because he was the victim; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Roy German, 6104 Shady Timbers, Houston, Texas 77016 (713-631-1529) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Bea Elhagggar, 2007 Midlane #N, Houston, Texas 77027 (713-623-0585) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Paul Mynar, 1617 Fannin, Houston, Texas 77002 (713-875-3242) appeared and stated that he was a cab driver and chairman of the Houston Cab Committee which was formed to improve their image and stop corruption and fight for all their rights; that every driver wanted to average 12 to 20 hours a day and that was not there now and families were suffering and the corruption was at its worst ever with town cars, limos and shuttles listing trips and breaking all ordinances while cab drivers sat out; that also prices had all gone up, including gas, yet meter rates stayed the same; that inspectors did not do their jobs and there was no enforcement. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Mynar stated that the solution would be to

let cabs pickup people like shuttles at \$15.00 a head; that cabs should have the same rights as shuttle. Council Member Khan stated that he thought some were comparing Houston to other cities such as New York which were cab cities and Houston was not a taxicab city, but he agreed there should be share cab programs which would help drivers and reduce cost to consumers, but they needed to work on how the program would work, but they did have legitimate concerns. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Mynar stated that the problem was the corruption; that limos, shuttles and towncars were allowed inside the terminals and played a recording which stated there was no enforcement but was corruption and when someone asked for a cab the towncar would say they would take them for the same price; that there was plenty of business, but cab drivers were stuck in the lot while other drivers were in the terminals and able to solicit. Mayor White stated that this was very helpful and thanked Mr. Mynar for coming. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Lance Findley, 4515 Briar Hollow Place #160, Houston, Texas 77027 (713-557-3318) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Melissa Waddy Thibodeaux, P. O. Box 7406060, Houston, Texas 77274 had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. J. W. Masseh, P. O. Box 742713, Houston, Texas 77274 (713-545-4777) appeared and stated that there were two major issues which were cabs and zone rates as they were both causing drivers much inconvenience; and in other cities cabs parked in the front of hotels, but here there were no cab stands; that also cars should not be taken off at six years and they wanted the Mayor to straighten things out. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that the last time he was present they talked about fuel cost and he thought he gave direction at the Council table, but apparently there was a misunderstanding; and upon questions, Mr. Masseh stated that they were not asking for a fare increase; that in 1999 Council raised rates, they believed there should be zone rates for areas. Mayor White stated that it made sense with fuel cost up and regulated rates people would get squeezed, but on the six years for a car if a vehicle had 400,000 miles; and Mr. Masseh stated that most drivers cars never reached 300,000 miles in that time; that his was at 70,000 miles and scheduled to be taken off the line in January. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Masseh was questioned at length by Council and stated that most cars never reached 300,000 miles and many cars were taken off, maybe it should be seven years or miles; that Austin had a condition where your car met a criteria and then it was taken off at eight years; that they all purchased cars individually. Mayor White stated that this was simply an offer to help, but he was shocked at how cheaply the City of Houston purchased cars because they purchased a lot and if his membership was interested maybe they could make a strategy and work to do that because they wanted to help. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Council Member Goldberg stated that there was a raise

on rates in 1999 and he understood Mr. Masseh to say the metered rate was more than the zone rate and he had no strenuous objections to raising zone rates, but if they raised them they may price themselves out of the market; that a person could probably go rent a car for a few days as cheap as a zone rate. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Zachary Stephen, 6041 Wortham, Houston, Texas 77033 (281-326-2205) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. David Greene, 2401 N. Repdsparth, Seabrook, Texas 77586 (713-710-0623) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gayles Perkins, 7403 Theisswood, Spring, Texas 77379 (281-923-1746) appeared and stated that she was a taxi driver and the shuttle bus would hurt them; that they had an alternative ride when they shared a taxi and it would be advantages to the rider and driver; that zone rates did not need to be increased, people were trying to treat Houston like Chicago and New York when they were small places, but this is Houston and everything is big and if you compared distances you would see Houston was cheaper; and another issue was taxi drivers being allowed to go to the restrooms, but she could go to any restroom at any hotel until they knew she was a driver and it was discrimination, but right now she was discussing the shuttle. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Ms. Perkins for coming and stated that her thoughts would be taken into consideration. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gloria Banks, 12719 Murrway, Houston, Texas 77048 (713-991-1743) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 1122 Sol, Houston, Texas 77029 (713-649-8358) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that basically he was running the courts; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-7738) appeared and stated that he was the President of the United States; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared

and stated that about three hours ago in City Hall two officers stole a piece of his art work and he wanted to press charges. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she would ask him to file an official complaint with HPD; and Mr. Beal stated there was no complaint, charges, they stole it and he was pressing charges; and Mayor Pro Tem Alvarado stated that he should go to 1200 Travis and file the appropriate charges. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 6:03 p.m. City Council recessed until 9:00 a.m., Wednesday, September 29, 2004. Council Member Garcia absent due to death in family. Council Member Ellis out of the city on government business. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 29, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 29, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing.

HEARINGS

1. HEARING relating to just and reasonable retail water and sewer rates to be observed within the City of Houston of Aqua Utilities, Inc. and Aquasource Development, Inc d/b/a **AQUA TEXAS, INC - 9:00 A.M.** – was called.

Ms. Tina Paez stated that it was a public hearing on Aqua Texas, Inc. statement of intent to change its rates, that Aqua Texas was a private investor owned water and sewer utility that served its 43 customers inside the City, they provided only sewer services on 2 inch meters in the Britmore Utility System located in Council District A; in Houston Aqua Texas operated under certificate of convenience Number 20453 to provide sewer services through the Britmore Utility System, the CCN was an exclusive grant of authority from the Texas Commission on Environmental Quality or the TCEQ, the TCEQ issued CCNs for an indefinite period of time and the City was prohibited by law from providing services inside the boundaries of the CCN without the expressed permission of the utility, the City had original jurisdiction over the rates and services of Aqua Texas, Inc. inside the City of Houston, the TCEQ hears appeals of local rate ordinances and thus had appellate jurisdiction, that Aqua Texas, Inc. filed its statement of intent to change its rates with the City Secretary for the City of Houston on May 14, 2004, a copy of the rate filing was available for review during normal business hours in the City Secretary's Office, the City regulated Aqua Texas rates and services for customers inside the City, the City must determine fair, just and reasonable rates for those customers, for that purpose, upon receiving Aqua Texas's request to increase its rates, the City conducted two public meetings to receive public comments on rate and service issues, transcripts of the May 26, 2004 and May

27, 2004 hearings were available for review in the City Secretary's Office also during normal business hours, that after the May meetings the City Secretary received letters from approximately 30 Aqua Texas rate payers complaining of the proposed rate increases, the City's receipt of written complaints from at least 10% of the affected in City rate payers triggered the City's statutory right to suspend the effective date for the proposed increase and to conduct today's hearing, as a result, on July 7, 2004, City Council approved Ordinance 2004-0747 suspending the effective date for new rates for 90 days beyond the original effective date that Aqua Texas requested, the suspension period allowed the City to investigate and review the company's rate increase package and conduct the public hearing, that City Council must take action on the Aqua Texas rate request before the extension period ended on October 14, 2004, the City had reviewed the application filed by Aqua Texas and had summarized the rates requested, the summary had been made available to City Council and was called Analysis of a Proposed Rate Increase, Rate Comparison By Usage and was in the package in front of the Council Members, that based on the information provided by Aqua Texas, the average City of Houston customer in the Brittmore Utility System used an average of 50,000 gallons per month, but usage among the City of Houston customers ranged from 10,000 to 210,000 gallons per month, the utility proposed two options for its rate increase, an unphased increase that would go into affect immediately in 2004 or a phased increase that would go into effect in increments from 2004 to 2007, based on the average usage level of 50,000 gallons the company had requested either a 120% one step increase effective in 2004 or 151% increase effective in increments from 2004 to 2007, reviewing the summary that was made available to City Council, Ms. Paez stated that they could see that for the average Aqua Texas in City customer under the one step increase the monthly bill would go from the current \$301.04 per month to \$661.92 per month, that under the four step increase the average Aqua Texas customer bill would increase from \$301.04 per month to \$475.92 in 2004, \$584.48 in 2005, \$677.33 in 2006 and \$754.35 in 2007, that as part of their review of Aqua Texas rate increase request, on August 12, 2004 the City delivered 27 data requests to the company's attorney asking that Aqua Texas respond within 10 days as was customary in administrative proceedings with shortened time tables, as in this case, that on September 14, 2004, the City received incomplete and unverified answers to only 8 of the 27 requests, that it was her understanding that just last night they delivered a few more partial answers, but the company had yet to provide clear support for its rate request, the Water Code allowed the utility to recover its own rate case expenses for pursuing a rate increase, the Water Code also provided that the utility must reimburse the City's reasonable rate case expenses and in turn recover them through rates, however, the Water Code provided that the regulator must not allow recovery of any unreasonable expense, including attorney's fees, that under the circumstances they were recommending that the company be required to reimburse the City's rate case expenses but that it was not reasonable for them to recover either that reimbursement expense or their own rate case expenses from their customers. Council Members Goldberg and Garcia absent.

The City Secretary stated that one person had reserved time to appear and asked if there was any one in the audience that had not reserved time to appear who would like to speak at the hearing to raise their hand and none were shown. Council Members Goldberg and Garcia absent.

Mr. Jacop Lipp, 1324 Allston, Houston, Texas 77008 (713-802-1552) appeared and stated that he was present on behalf of State Representative Sylvester Turner, that he was Mr. Turner's Chief of Staff, that some of Representative Turner's residents living in the Willow Run and North Plaza Subdivision had some past difficulty with Aqua Texas, it was then known as Aqua Source, those concerns were addressed, but only after Aqua Source was removed entirely from the equation, the situation was unrelated to the previous one, but still had generated considerable concern in their office and like that issue this one dealt with the fairness and transparency of setting rates for a vital utility, that a few months ago there was discussion at the City Council meeting about the ability of the City to address its area in the needs of drainage and believed that 20% increase in water bills was discussed and debated and ultimately passed and was relatively received well by the people of the City and it was productive because the City

made clear that the increase was necessary, that it was reasonable and that the people who wrote the check for a few extra dollars each month would see a benefit, that today on behalf of Representative Turner he was asking them to hold Aqua Texas to that same standard that the City Council was held to, to ask the questions that they were asked, was the increase necessary, was an increase of that size be justified and what would the customers really have to show for it at the end of the day, that the truth of the matter was that Aqua Texas was looking for the people of the City and the Brittmore System to subsidize changes throughout the State of Texas, that Representative Turner would be glad to help individuals from the City of Houston to make changes in legislation in Austin to insure that sort of change could not be done in the future, to insure that people in Houston who paid their water rates to private utilities would not have to subsidize changes elsewhere, that this discussion, unlike the City issue, would not get front page treatment and was not something that would really affect the widows and families with small children, that what they were talking about was a relatively small group of 43 industrial customers and they may not garner the sympathy of someone who had to scrape by to pay the extra few dollars on a monthly bill but they were employers still working their way out of a difficult economic time, furthermore they were not talking about a few extra dollars, an increase of 73% in the coming months, an increase of 174% in the next few years for something as necessary as sewer service was going to affect any bottom line, when it really came down to it, it was only fair that Aqua Texas faced the same questions and held to give compelling reasons for the increase in the same fashion that the people of the City held the City Council to that same standard. Council Members Goldberg and Garcia absent.

Council Member Galloway stated that she wanted to give Representative Turner a message, to let him know that they appreciated all of his support, that she did think they needed to introduce some type of legislation as it related to Aqua Texas rate increases and how they went about trying to justify rate increases when the rates were already very high, that maybe they could work together because they were in other parts of the City as well, that they were trying to look into Champs Water Company as well. Council Members Goldberg and Garcia absent.

Council Member Lawrence stated that she wanted to thank Mr. Lipp for being present and asked that he thank Representative Turner as well, that she enjoyed working with him over the last couple of weeks on the issue and looked forward to working with him more on the issue, that she thought what it brought up was what standard did they want to set utility districts and it brought up the need for legislation for all municipal districts from now on. Council Members Goldberg and Garcia absent.

Council Member Khan asked Ms. Paez asked if they had the breakdown of the number of users at the 10,000, 50,000 and 250,000 level, and Ms. Paez stated that they did and could provide that for him.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. MOTION 2004-1019 ADOPTED.

- 1a. ORDINANCE relating to the Retail Water and Sewer Rates of Aqua Texas, Inc. within the City of Houston, Texas; determining just and reasonable rates to be observed within the City of Houston; fixing the rates that shall constitute the legal rates of Aqua Texas, Inc.; providing for the filing of rate schedules and tariffs; providing for the repeal of conflicting ordinances; containing findings and other provisions relating to the foregoing subject; providing for severability - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2004-0989 ADOPTED.

MAYOR'S REPORT - Task Force on Economic Development

Mayor White stated that the next item was the Mayor's Report on the Task force for Economic Development, that Mr. Lee Hogan would appear and present some of the conclusions

of the task force, that it had been a collaborative effort with the County at all stages, that it was a truly regional approach they had taken, that they had a lot of conversations with the non profits including the Greater Houston Partnership concerning what their expectations were concerning performance, a significant amounts of private sector funding would be needed if they were to succeed in their goal of having a better effort, private and public, to attract good jobs than any other urban area in the Country.

Mr. Hogan stated that the report they had submitted had already been circulated to the Council Members, that the task force first assignment was to define a scope of their work and the scope was defined as examining those pro active marketing efforts that the City could undertake to increase the number of primary jobs that they create, attain or attract, that what they did not do was look at infrastructure, transportation, education, air quality, community redevelopment projects or general themes, that none of those should not be interpreted to say they were not important to economic development that indeed he thought that if the task force had to express an opinion they would tell them that the quality of education in the community was the single most important factor affecting economic development, that the scope they chose was one that he thought was appropriate for the group they assembled to examine and that was that pro active efforts could be undertaken to create primary jobs, that he wanted to share five of the recommendations in the report that he thought were important, that number one, they thought it was essential that the public and private sector come together and agree on an economic agenda for the community, that they were recommending the creation of an economic development strategy council that would meet at least annually that would include the Mayor, the County Judge, the Chairman of the Greater Houston Partnership, representatives from other municipalities in the area and individuals that possessed particular expertise, the total number being hopefully not more than 10, who would come together and review both the public and private plans of economic developed professionals and agree on a community wide strategy that could be then the inpretor of public and private sector, that number two, they were suggesting that the private sector take the responsibility for creating and implementing pro active marketing efforts built around clusters of industries that had a natural proclivity to look at Houston as an area to relocate or expand, that number three, they had recommended that the City designate a single individual for the City of Houston to act as a focal point for the City's economic development activities, that number four, they had recommended that the City prudently migrate its system of economic financial incentives for one solely dependent on the abatement of ad valorem taxes to one that encompassed a more flexible mechanism and recognized the fact that not every industry that they were going to be targeting had large fixed assets where ad valorem tax abatement was attractive, that number five was that every emphasis possible be placed on creating more venture capital in the Houston area.

Mr. Hogan was questioned at length by Members of Council.

At 10:30 a.m. Mayor White stated that they would move to the consent agenda. Council Member Holm absent.

Council Member Garcia moved to suspend the rules to consider Item Numbers 12 and 16 out of order and additional requests were made to consider Item Numbers 17, 45, 35 and 49 also, seconded by Council Member Alvarado. Mayor White stated that by unanimous consent the items would be considered after the consent agenda. All voting aye. Nays none. MOTION 2004-1020 ADOPTED.

Council Member Berry stated that he wanted to speak to the process by which they were appointing people to the boards and commissions, that who ever was doing it was doing a wonderful job.

CONSENT AGENDA NUMBERS 2 through 41

MISCELLANEOUS - NUMBER 2

2. REQUEST from Mayor for confirmation of the appointment of the following to the Corporation's Board of Directors of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION**, for terms to expire December 31, 2005:
Position Five - **DAVID L. SOLOMON**
Position Nine - **MR. GREGORY J. ARMSTRONG**
- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1021 ADOPTED.

Mayor White stated that Mr. Solomon was present in the audience and asked that he stand and be recognized.

Council Member Garcia stated that he wanted to congratulate the folks that would be representing the Convention Center Hotel and would like to ask that they keep in mind that they had been having an ongoing problem with the negotiations between the hotel union members and the Hilton and asked that they make sure they keep those folks in mind because they needed an audience and needed to count on someone who was willing to hear both sides of the story.

DAMAGES - NUMBER 4

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ALLSTATE as subrogee of NANCY EARLES** vs. Evelyn Lovell Jackson and the City of Houston; Cause No. 743,924 in the County Court at Law Number Four - \$47,500.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1022 ADOPTED.

ACCEPT WORK - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$306,917.00 and acceptance of work on contract with **REDDY ENGINEERS & CONTRACTORS, LTD.** for Northside Wet Weather Facility Improvements, GFS R-0265-25-3 (4760-5) - 05.03% under the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1023 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 11

7. **SAFETY LAMP OF HOUSTON (Bid No. 1)** for Safety Lamp Contract for Fire Department \$139,132.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1024 ADOPTED.
8. **AMEND MOTION #2002-495, 4/24/02, TO INCREASE** spending authority from \$240,750.00 to \$337,050.00 for Fire Fighting Equipment and Replacement Parts Contract for Fire Department, awarded to **FOUR ALARM MES, INC** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1025 ADOPTED.
11. **E. J. BROOKS COMPANY** - \$65,186.76, **MCGARD, INC** - \$32,699.20 and **METERGUARD, INC** \$78,588.08 for Water Meter Locking Devices for Department of Public Works & Engineering Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1026 ADOPTED.

ORDINANCES - NUMBERS 19 through 41

19. ORDINANCE consenting to the addition of 44.7999 acres of land to **BARKER-CYPRESS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0990 ADOPTED.
20. ORDINANCE consenting to the addition of 287.21 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0991 ADOPTED.
21. ORDINANCE consenting to the addition of 10.27 acres of land to **GRAND MISSION MUNICIPAL UTILITY DISTRICT NO. 1 OF FORT BEND COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0992 ADOPTED.
22. ORDINANCE consenting to the addition of 7.8425 acres of land to **MILLS ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0993 ADOPTED.
23. ORDINANCE consenting to the addition of 76.1638 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0994 ADOPTED.
24. ORDINANCE consenting to the addition of 359.571 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0995 ADOPTED.
25. ORDINANCE consenting to the addition of 3.8898 acres of land to **RENN ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS and FORT BEND COUNTIES, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0996 ADOPTED.
26. ORDINANCE approving and authorizing special warranty deed conveying to Intownhomes, Ltd., parcel of land containing 6,000 square feet (0.1377 acres), more or less, being all of Lot 7, Block 1, Riverside Terrace Subdivision, Section One, J. Christy Survey, A-312, Harris County, Texas (vacant land located at 2002 Blodgett Avenue); and in consideration of Intownhome's Ltd.'s, payment of \$75,600.00, and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0997 ADOPTED.
28. ORDINANCE amending Ordinance No. 2000-34 to increase the maximum contract amount for the Interlocal Agreement for the Support of the Joint City-County Commission on Children between the City of Houston and **HARRIS COUNTY** - \$55,000.00 - General Fund - had been pulled from the Agenda by the Administration, and was not considered.
29. ORDINANCE approving and authorizing contract between the City of Houston and **A CARING SAFE PLACE, INC** providing up to \$709,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the administration of a Long Term Residential Housing and Supportive Services Program and the administration and operation of a Community Residence, which sum includes a limitation of additional funding in the amount

of \$354,500.00 - **DISTRICT B – GALLOWAY** – was pulled from the agenda by the administration and was not considered – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0998 ADOPTED.

31. ORDINANCE appropriating \$400,000.00 out of the Disaster Recovery Fund No. 98D (The “Fund”), and approving and authorizing first amendment to contract for Professional Litigation Support Services between the City of Houston and **HOLMAN, KEELING & YORK, P.C. (Formerly known as “HOLMAN & KEELING P.C.)** to support litigation relating to activities financed by the Fund; providing funding for internal city costs relating to matters financed by the Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-0999 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for an Air Monitoring System - \$68,000.00 Grant Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1000 ADOPTED.
40. ORDINANCE appropriating \$4,419,337.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0295-03-3 (WW4257-60); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1001 ADOPTED.
41. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section Eight of the Ridgemont Subdivision; approving and authorizing assignment of construction contract to **GATEWAY LAND DEVELOPMENT/COURT RD., L.P.**, CIP S-0800-D1-3 and R-0800-D1-3 (DPC-066) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1002 ADOPTED.

Mayor White stated that they would now take up the items that were taken out of order.

12. **AMEND MOTION #2000-1552, 12/20/00, as amended by #2003-1450, 12/3/03, TO EXTEND** the term from December 23, 2004 to June 22, 2006, for Vehicle Locator System, including Software Maintenance Services for Various Departments, awarded to **TELETRAC, INC** – was presented, and tagged by Council Member Garcia. Council Member Goldberg absent.
16. **COMMUNICATIONS-APPLIED TECHNOLOGY COMPANY, INC** for Incident Command Radio Interface Equipment for Houston Emergency Center and the Houston Police and Fire Departments - \$90,779.48 - General, Grant and Police Special Services Fund – was presented, and tagged by Council Member Garcia. Council Member Goldberg absent.
17. ORDINANCE relating to private inspection of certain residential construction work; amending the City of Houston Building Code and adopting additional local amendments to the International Residential Code for one- and two-family dwellings and containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Wiseman, Galloway, Edwards, Lawrence, Garcia, Holm, Alvarado, Quan and Green.
45. MOTION by Council Member Quan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **TRAF-TEX, INC** to Install Pedestrian Crosswalk Signals for Convention & Entertainment Facilities

Department \$104,320.00 and contingencies for a total amount not to exceed \$109,536.00 - Enterprise Fund – **(This was Item 3 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** – was presented.

Council Member Edwards stated that she was going to vote no on the item, that she was confused as to why they would put in extra signals for people to cross the street when there was a signal at the corner to cross the street, that she understood the rationale but did not agree with it, especially when it was hard for her to get stop signs, speed humps and traffic lights in the communities.

A vote was called on Item No. 45. Council Member Edwards voting no, balance voting aye. MOTION 2004-1027 ADOPTED.

35. ORDINANCE amending City of Houston Ordinance Nos. 2001-592 and 2003-248 relating to employment conditions, compensation and benefits of classified Police Officers of the City of Houston; ratifying the 2004 amendments to the Meet and Confer Agreement between the City of Houston and the **HOUSTON POLICE OFFICERS' UNION**; and containing other provisions relating to the foregoing subject; suspending the operation of certain ordinances; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2004-1003 ADOPTED.

Mayor White stated that he wanted to thank everybody who worked so diligently on the item, that it was a significant milestone.

Council Member Goldberg stated that he wanted to thank all of the groups that came together to make it possible, and especially wanted to thank Ms. Sara Culbreth for her work on it. Council Member Wiseman absent.

49. ORDINANCE approving and authorizing an agreement between the City of Houston and the **HOUSTON POLICE OFFICERS' PENSION SYSTEM**⁹⁸ – **(This was Item 9 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS ELLIS, SEKULA-GIBBS and WISEMAN)** – was presented.

After discussion by Council Members a vote was called on Item No. 49. All voting aye. Nays none. ORDINANCE 2004-1004 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Municipal Courts Administration for approval of supplemental allocation of \$782,000.00 for contract with **MAXIMUS, INC** for Integrated Case Management System for Municipal Courts - Local Law Enforcement Block Grant Fund - was presented.

Council Member Galloway stated that she was going to tag Item No. 3 because she wanted to know what MWBE participation had not been met and why was there such an addition to the amount on the RFP.

Council Member Goldberg requested that his tag be added to Item No. 3.

PURCHASING AND TABULATION OF BIDS

6. ORDINANCE appropriating \$98,340.00 out of City of Houston Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes Series A for Parking

Garage Equipment at the Fannin Garage for the Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1005 ADOPTED.

- 6a. **ECCL 4:12, LLC, dba PRO TECH ACCESS** for Parking Garage Equipment for Convention & Entertainment Facilities Department - \$98,340.00 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1028 ADOPTED.
9. **MOTOROLA COMMUNICATIONS & ELECTRONICS, INC** for 700 Mobile Data Terminals through the Interlocal Agreement Cooperative Purchasing with Houston-Galveston Area Council for the Houston Police Department - \$4,404,673.00 - Grant Fund - was presented, and tagged by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding. (Note: Council Member Galloway released her tag later in the meeting.)
10. **THE HOUSTON CHRONICLE PUBLISHING COMPANY DIVISION** for a Bicycle Education Campaign for Department of Public Works & Engineering - \$40,000.00 - Grant Fund - was presented, and tagged by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding. (Note: Council Member Galloway released her tag later in the meeting.)
13. **HOUSTON COMMUNICATIONS, INC (Bid Nos. 4 and 8)** for Two-Way Radios, Parts & Accessories Contract, Part I, for Various Departments - \$84,824.75 minus a commission fee (1% for Internet-based reverse auction services) for a net award amount not to exceed \$83,976.50 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1029 ADOPTED.
14. **HOUSTON COMMUNICATIONS, INC** for Two-Way Radios, Parts & Accessories Contract, Part II, for Various Departments - \$5,245,247.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$5,087,889.59 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she wanted to get some information on the MWBE goal and would tag the item. Mayor White absent. Mayor Pro Tem Alvarado presiding.

15. **AMEND MOTION #1997-1546, 8/27/99, as amended by #2002-965, 8/14/02, TO EXTEND** expiration date from August 27, 2005 to August 26, 2010, for Motorola Portable and Mobile Radio Communications Equipment for Various Departments, and **TO INCREASE** spending authority from \$13,000,000.00 to \$22,900,000.00, awarded to **MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC** - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding.

ORDINANCES

18. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, permitting the use of banners for Certain Conventions – was presented.

Council Member Holm stated that she thought it was a really good ordinance to come forward, that they had three major conventions coming in the near future and it addressed those immediate needs, that on Friday at 10:00 a.m. they had called a meeting with representatives of

the Mayor's Office, as well as representatives of Council committee's, Bureau of Conventions, Public Works, Code Enforcement, Quality of Life Coalition, as well as members of the Banner District.

A vote was called on Item No. 18. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1006 ADOPTED.

27. ORDINANCE approving and adopting an updated Ongoing Service and Assessment Plan for and on behalf of the **LAMAR TERRACE PUBLIC IMPROVEMENT DISTRICT NO. 2** covering the period 2004 through 2013 pursuant to Chapter 372 of the Texas Local Government Code **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1007 ADOPTED.
- 27a. ORDINANCE appropriating \$260,881.40 out of Fund 253, Lamar Terrace Public Improvement District No. 2 Fund, for payment to **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY** pursuant to Ordinance No. 2003-0432 - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1008 ADOPTED.
30. ORDINANCE approving and authorizing first contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an additional \$23,743.95 for Renovation of the Angelita Fraga Day Care Center - CDBG Funds - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Garcia. Mayor White absent. Mayor Pro Tem Alvarado presiding.
32. ORDINANCE approving and authorizing compromise and settlement agreement, in the amount of \$287,500.00, between the City of Houston and **DELOITTE & TOUCHE, LLP** to settle a claim General Fund – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1009 ADOPTED.
33. ORDINANCE approving and authorizing amendment No. 2 to Automobile Rental Concession Agreement at William P. Hobby Airport by and between the City of Houston, Texas and **SOUTHWEST TEX LEASING CO., INC d/b/a ADVANTAGE RENT A CAR** to extend the agreement on a month to month basis – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1010 ADOPTED.
36. ORDINANCE approving and authorizing amendment to Environmental Services Contract between the City of Houston and **HBC ENGINEERING, INC** to extend the contract term; CIP D-0073-10-2 – was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she was going to tag Item No. 36 as she had concerns about the item, that it was combined with Item No. 37 on one page, which was unusual, that she also wanted to know the amount that the contract was being extended to, also Item No. 37 and what projects were they going to be doing an environmental assessment on. Mayor White absent. Mayor Pro Tem Alvarado presiding.
37. ORDINANCE approving and authorizing amendment to Environmental Services Contract between the City of Houston and **BROWN AND CALDWELL** to extend the contract term; CIP D-0073-09-2 – was presented, and tagged by Council Member Galloway.
38. ORDINANCE appropriating \$4,301,629.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting

Method, GFS R-0295-01-3 (WW4257-58); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

Council Member Galloway stated that they had done some work in her district and it was kind of shoddy work, that she was trying to get some things corrected and she did not understand as well why they were doing the same work and once again it was to circumvent the MWBE participation, that she was concerned about the work they were doing on the water lines in her district.

39. ORDINANCE appropriating \$4,301,629.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0295-02-3 (WW4257-59); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented, and tagged by Council Member Galloway.

NON CONSENT AGENDA - NUMBER 42

MISCELLANEOUS

42. REVIEW of the record and make determination of the appeal filed by Mr. Christopher Downey on behalf of Mr. Abudu Alli of United Foreign Auto Salvage, 5028 W. Fuqua, of the decision of the Automotive Board to deny the application for an Automobile Rebuilder and Dismantler License – was presented.

Council Member Edwards moved to uphold the decision of the Automotive Board, seconded by Council Member Alvarado.

Council Member Quan stated that he had an opportunity to review the matter with their Counsel and saw no problem with the motion made to sustain the Automotive Board at this time.

A vote was called on the motion to uphold the decision of the Automotive Board. All voting aye. Nays none. MOTION 2004-1030 ADOPTED.

MATTERS HELD - NUMBERS 43 through 52

43. RECOMMENDATION from Director Finance & Administration Department for approving Equipment Acquisition Plan for FY2005 – **(This was Item 1 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. MOTION 2004-1031 ADOPTED.

Mayor White stated that they made a major step in the right direction for some of their capital equipment, where the maintenance and down time were eating them alive, that he wanted to thank and appreciate the good work that Ms. Judy Johnson did and the department directors did and the support from the Council Members, who they discussed the matter with.

44. ORDINANCE appropriating \$33,303.06 out of Public Health Consolidated Construction Fund; allocating/appropriating additional funds for Bio-Safety Level 3 Laboratory (BSL-3), GFS H-0029-02-3; providing funding for contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund - **DISTRICT D – EDWARDS – (This was Item 2a on September 22, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. ORDINANCE

2004-1011 ADOPTED.

- 44a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 5 in the amount of \$33,303.06 on contract with **A-TEC ENGINEERS AND CONTRACTORS** for Bio-Safety Level 3 Laboratory (BSL-3) for Health & Human Services Department GFS H-0029-02-3 - **DISTRICT D – EDWARDS – (This was Item 2a on September 22, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1032 ADOPTED.
46. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing Services; providing a maximum contract amount - 5 Years - \$5,200,000.00 - General, Enterprise and Other Funds – **(This was Items 5 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS GREEN, HOLM, WISEMAN, GALLOWAY, GARCIA and QUAN)** – was presented.

Council Member Quan offered the following written motion to amend Item No. 46.

“That the contract between the City of Houston and the Houston Independent School District, item 46 and 46 (a) on the September 29, 2004 Council Agenda be amended as follows:

A new Subsection VI, C, titled “MWBE Compliance” shall be added to the contract as detailed below:

Contractor shall comply with the City’s Minority and Women Business Enterprise (“MWBE”) programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances. Contractor shall make good faith efforts to award subcontracts or supply agreements in at least 15% of the value of this Agreement to MWBEs. Contractor acknowledges that it has reviewed the requirements for good faith efforts on file with the City’s Affirmative Action Division and will comply with them.

Contractor shall require written subcontracts with all MWBE subcontractor and shall submit all disputes with MWBEs to binding arbitration to be conducted in Houston, Texas, if directed to do so by the Affirmative Action Division Director. MWBE subcontracts must contain the terms set out in Exhibit “A-4”. If Contractor is an individual person (as distinguished from a corporation, partnership, or other legal entity), and the amount of the subcontract is \$50,000 or less, the subcontract must also be signed by the attorneys of the respective parties.”

A vote was called on Council Member Quan written motion to amend Item No. 46. All voting aye. Nays none. MOTION 2004-1033 ADOPTED.

A vote was called on Item No. 46 as amended. All voting aye. Nays none. ORDINANCE 2004-1012 ADOPTED.

- 46a. **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing Services for Various Departments – **(This was Items 5a on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS GREEN, HOLM, WISEMAN, GALLOWAY, GARCIA and QUAN)** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1034 ADOPTED.
47. ORDINANCE **AMENDING ARTICLE V OF CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Farmers Markets – **(This was Item 6 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBER GREEN)** - was

presented.

Council Member Berry stated that he thought it was a great idea and long overdue, that he had an occasion to work with the City group who was instrumental in making the amendment happen.

A vote was called on Item No. 47. All voting aye. Nays none. ORDINANCE 2004-1013 ADOPTED.

48. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2004-801 by adding one (1) Deputy Chief Position; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance; providing for severability – **(This was Item 8 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, EDWARDS, LAWRENCE and GREEN)** – was presented. All voting aye. Nays none. ORDINANCE 2004-1014 ADOPTED.
50. ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE, THE CITY OF HOUSTON FIRE CODE, and THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the transfer of Construction Code Enforcement and related functions from the Department of Planning and Development to the Department of Public Works and Engineering – **(This was Item 10 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Alvarado offered the following motion to amend Item No. 50:

"I moved to amend Agenda Item 50 as follows:

1. In the first line of Section 10 of the proposed Ordinance, change "Section 10-4" to "Section 10-49."
2. In Section 22 of the proposed Ordinance, which amends Section 31-53 of the Code of Ordinances, Houston, Texas, replace the words "planning and development" with the words "public works and engineering."
3. In the first line of Section 29 of the proposed Ordinance, change "Section 33-150" to "Section 33-250."
4. Renumber Sections 30 and 31 of the proposed Ordinance as Sections 32 and 33, respectively, and add new Sections 30 and 31 that read as follows:

Section 30. That Subsection (b) of Section 40-261 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of the term *director* to read as follows:

"*Director* shall mean the director of the city's department of public works and engineering and shall include the director's designees."

Section 31. That Section 40-268 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

Sec. 40-268. Referral to other departments.

Each application shall be reviewed by the public works and engineering department under the criteria of subsections (c), (d), (e), and (f) of section 40-267 of this Code and item (7) of section 40-263 of this Code, referred to the department of parks and recreation for review under the criterion of subsection (b) of section 40-267 of this Code, and referred to the department of health and human services for review under the criteria of items (8), (9), (10) and (11) of section 40-263 of this Code and subsection (d) of section 40-269 of this Code.

and that corrected pages 10, 16, and 20-22 be substituted therein.”

After discussion by Members of Council, a vote was called on the motion to amend Item No. 50. All voting aye. Nays none. MOTION 2004-1035.

A vote was called on Item No. 50 as amended. All voting aye. Nays none. ORDINANCE 2004-1015 ADOPTED.

51. ORDINANCE approving and authorizing amendment No. 2 to Automobile Rental Concession Agreement at William P. Hobby Airport by and between the City of Houston, Texas and **AVIS RENT A CAR SYSTEM, INC; BUDGET RENT A CAR SYSTEM, INC; DTG OPERATIONS, INC d/b/a DOLLAR RENT A CAR; THE HERTZ CORPORATION; VANGUARD CAR RENTAL USA INC**, operating its brands **ALAMO** and **NATIONAL**; and **DTG OPERATIONS, INC d/b/a THRIFTY CAR RENTAL** to extend the agreements on a month to month basis - **DISTRICT I - ALVARADO – (This was Item 17 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBERS BERRY, GREEN, WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2004-1016 ADOPTED.

52. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to joint elections to be held on November 2, 2004; providing a maximum contract amount - \$1,400,000.00 - General Fund – **(This was Item 22 on Agenda of September 22, 2004, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Upon discussion by Council Members, Mayor White asked if somebody had costed out exactly what it would cost them to hold a City election and how one would go about doing that, and Mr. Anthony Hall stated that based on discussions they had earlier he thought it was entirely appropriate to visit with the County Clerk about the formula so that they would have a better understanding and appreciation for what was included in the total cost that was appropriated pursuant to the formula, that the City did not have an inventory of voting machines or an apparatus set up to hold them, they would have to get a different set of election officials, there were an awful lot of things, that he thought in the end they would find it would cost substantially more than their proportion of their cost.

After further discussion Council Member Goldberg stated that there was no formula in the backup and that it might be helpful if all of the Council Members could get the formula that the amount of money was based on, and Mr. Don Cheatham stated that for the last few elections they had the formula was by taking each entity that was participating in the election and taking the number of precincts they had and divide that number into each entity's number and come up with a percentage, in the City's case it showed that it was about 38% using that methodology, that if they were not having the propositions on the ballot they would not have to pick up the 38%.

After further discussion Mayor White asked if someone could be tasked to find out what was being done in urban areas and how they might define if a particular governmental entity was tasked with having a regularly scheduled federal election in November than what the rules ought to be.

A vote was called on Item No. 52. All voting aye. Nays none. ORDINANCE 2004-1017 ADOPTED.

Council Member Galloway stated that she would release her tag on Item Numbers 9 and 10.

9. **MOTOROLA COMMUNICATIONS & ELECTRONICS, INC** for 700 Mobile Data Terminals

through the Interlocal Agreement Cooperative Purchasing with Houston-Galveston Area Council for the Houston Police Department - \$4,404,673.00 - Grant Fund - was again before Council, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1036 ADOPTED.

10. **THE HOUSTON CHRONICLE PUBLISHING COMPANY DIVISION** for a Bicycle Education Campaign for Department of Public Works & Engineering - \$40,000.00 - Grant Fund - was again before Council, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1037 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that he wanted to congratulate someone from his legal career, Ms. Marjorie Myers was sworn in last month as the new public defender in the southern district of Texas, the first woman to hold that position and he wanted to congratulate her. Council Members Wiseman and Garcia absent.

Council Member Green stated that on Saturday the Houston Airport System would hold its fourth annual Runway for Life 5K Run and Walk at the airport, that he and Council Member Lawrence would be participating at 7:00 a.m. Council Members Wiseman, Khan and Garcia absent.

Council Member Green stated that the Breakfast Klub Restaurant was holding its third anniversary celebration this week, that he wanted to congratulate Mr. Marcus Davis for three years of successful business. Council Members Wiseman, Khan and Garcia absent.

Council Member Green stated that State Senator Royce West, Dallas, was present in the audience and wanted to welcome him to Houston. Council Members Wiseman, Khan and Garcia absent.

Council Member Galloway stated that she wanted an update on the purchase of the Champ Water Company, that she had been very concerned about the safety of the residents of Garden City Subdivision that was in her district, that she had sent all of the correspondence to the Mayor's office as well as the other departments associated with getting the information as well as the information relating to the legislation that governed the eminent domain procedure for private utility company's, that she wanted to update the community on the status. Council Members Wiseman, Khan, Garcia, Alvarado and Green absent.

Council Member Galloway stated that she wanted to thank Ms. Maria Irshad and Mr. Lonnie Vara for their diligent work on this years Combined Municipal Campaign, that they would be conducting a silent auction on Monday, October 4, 2004. Council Members Wiseman, Khan, Garcia, Alvarado and Green absent.

Council Member Galloway stated that Mr. Ron Nissimov, the new guy who wrote for the Chronicle, did an article on September 21, 2004, "Cameras Would Focus on Dumpers" and he got her and Council Member Edwards confused and had noted that Council Member Edwards stated that illegal dumpers should be forced to wear t-shirts saying they were illegal dumpers and she spoke with him to make sure he knew who was making the statement so he would not make that error in the future. Council Members Wiseman, Khan, Garcia, Alvarado and Green absent.

Council Member Galloway stated she wanted to offer Council Member Garcia and his family condolences. Council Members Wiseman, Khan, Garcia, Alvarado and Green absent.

Council Member Edwards stated that she wanted an update on several items regarding the Fourth Ward area, that number one, the bones that had been on the desk of Dr. Brown for

about 20 years and they were supposed to deal with trying to get those bones interned, that also Gregory Lincoln, that she knew HISD was doing something on and having a committee formed on it, that if anyone had an official update she would like to know about it, and also the Gregory School Project that Building Services was working on and where were they on it. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Edwards stated that there was an ad being run on Proposition 2 that said that Proposition 2 would not result in cutting City services, that she would like to ask people to investigate that statement, she did not necessarily think the statement was true and thought it would drastically impact City services. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that would like to invite all the constituents of Houston to the third annual Spring Branch Multi Cultural Parade, that a number of the Council Members would be riding in the parade and it should be a lot of fun. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that four weeks ago she asked the people of Houston not to give up on the Astros and now they were a half a game out, that Roger Clemens would be in the parade on Saturday. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that Chief Hurtt would be at the Greater Inwood Partnership speaking on Thursday night at 6:30 p.m. at the Inwood Forest Country Club. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Holm stated that she was glad that the Mayor set up the taskforce of Council Members to review the Municipal Pension Board, that yesterday the Pension Board had a meeting and several Council staff members attended and there were two action items that were addressed, that the board approved a \$25,000 bonus to Mr. David Long, that the two members on the board that represented the Mayor's Office voted against it, that second, the board also approved a lobbying team for the upcoming Legislative session that would be paid \$32,000 per month, that was more than most municipal employees earned per year, in order to lobby against the City of Houston and to preserve the boards current structure, that additionally one of the things that her office had looked into was the lease that the Municipal Pension Board had and they had Class A space and were currently paying \$38,000 per month for an office for 32 employees and each employee had a private office, that the lease escalated every year through 2011, at which time the system would be paying \$48,000 per month, that additionally they paid \$3,600 per month for parking, that there was no provision whatsoever in the lease for early termination or cancellation options, that they had a lot on their plate to address. Council Members Lawrence, Wiseman, Khan, Garcia and Green absent.

Mayor White stated that later in the week they were going to announce something that was designed to address one of the number one issues of City retirees that would be a huge benefit to those retirees and the taxpayers, that was more affordable health care benefits because they were not getting full credit of the Medicare reimbursement and retirees paid for a portion of the benefit, that it was an issue that came up because retirees talked to him about it all the time, that nobody from the Municipal Pension System was working on the issue. Council Members Lawrence, Wiseman, Khan, Garcia and Green absent.

Council Member Alvarado stated that she to wanted to send condolences to Council Member Garcia and his family, that their thoughts and prayers were with him. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Alvarado stated that she wanted to commend HPD and knew they were doing everything they could in the East End to track down the serial rapist who was still on the loose, that she appreciated the work that the department was doing. Council Members

Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Alvarado stated that she wanted to follow Council Member Lawrence and her words of encouragement for the Astros, that she hoped they would keep the faith and hopefully the Astros would sneak in front of Chicago and win the wild card and go on to the playoffs. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Sekula-Gibbs stated that she also would like to express her condolences to Council Member Garcia and his family on the death of his father. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Sekula-Gibbs stated that to underscore what Council Member Holm stated that the Municipal Pension Board meeting, it was vital that people attend the meeting, that it was the first time that she had a representative attend and she appreciated Mr. Hall sending out a list of the meeting dates, that there was a committee that approved the \$25,000 bonus for Mr. Long and it was called the Personnel and Procedures Committee and she was told that quite a while ago the decision was made to delegate compensation and bonus issues to the three person committee and when the decisions were made in the committee they came to the full board but the board was not allowed to vote on matters of importance, they could only vote to accept or reject the minutes, that they needed to address that, that the Pension Board was not helpless in that regard and should realize that they could dissolve the committee and could equally vote to remove the individual who once again stood to reap the most reward from the action of the committee, Mr. Long, that she would call attention to the board members that they were not paralyzed, that they had some authority and if they did not like the action of the Pension Personnel and Procedure Committee they could undo it. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Quan stated that tomorrow they would be having a townhall meeting in conjunction with the National League of Cities, that over 70 cities in the Country were having those meetings, that over 200 people had signed up so far to attend as speakers and they had a good response from the Council Members, that it would be at Ripley House from 4:00 p. m to 5:30 p.m.

Council Member Quan stated that he wanted to congratulate those who participated in last Saturday's U. S. Citizenship Workshop, 1,000 people were signed up to be assisted in becoming citizens at the Christian Family Center, it was a great workshop and a lot of participation by so many different groups in the community. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Quan stated that on Saturday the Houston Bar Association and the different law schools, TSU, U of H and South Texas would be having its second Triple Play Softball Tournament, that teams from the different schools as well as 12 law firms would be participating and all proceeds would go the Houston Area Women's Center. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Quan stated that this week was Mahatma Gandhi Week in the City of Houston and there were several activities that had been planned, that on Saturday at Hermann Park they would dedicate the Gandhi Statue. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia and Green absent.

Council Member Ellis stated that to follow up with regard to the action taken by the Houston Municipal Pension Board, they were all aware the Mayor appointed an oversight committee for the Pension Boards of which he was the Chair and they were going to have their first meeting on October 18, 2004 at 2:00 p.m., that he would request any Council Member, whether they were on the committee or not, to submit items that they would like to discuss, that he would be meeting with Mr. Nichols next week. Council Members Lawrence, Galloway,

Wiseman, Khan, Garcia, Green and Berry absent.

Council Member Ellis stated that he wanted to encourage everybody to go out and support the Astros. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Green and Berry absent.

Council Member Goldberg stated that he wanted to thank the Mayor for creating the committee to look into the pension abuses. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that on the Runway For Life, he had participated for the last couple of years and encouraged everyone to participate. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that one of his staff members came upon an accident scene where the Fire Department was called out and she was so impressed by how efficient they were, that a little girl was hit by a car and they responded within three minutes of the call, that it was Fire Station #82. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he knew he could count on Mr. Terrance Fontaine whenever he had a problem. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:58 a.m. Council Members Lawrence, Galloway, Wiseman, Khan, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary